

APPEAL NO. 021070  
FILED JUNE 10, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 9, 2002. The hearing officer found that the respondent (claimant) made a good faith search for employment every week of the 17th quarter qualifying period for supplemental income benefits. The appellant (carrier) has appealed, arguing that it cannot be good faith to show prospective employers a letter from a doctor outlining restrictions. The claimant responds that the decision should be affirmed.

DECISION

We affirm the hearing officer's decision.

The claimant contacted employers in person and interviewed with several. Many of the prospective employers had signs in the window offering employment. The claimant said he had seen a doctor at the request of the carrier, and this doctor outlined restrictions in a letter in which he also recommended that the claimant not return to gainful employment. The claimant said he would show this letter to employers only if they asked about his restrictions. He was told by at least one prospective employer that they would hesitate to bring him on their insurance with such restrictions "hanging over your head."

The claimant's testimony highlights the dilemma that an impaired worker has when searching for employment but trying to stay within restrictions. Whether the conduct described undermined good faith was for the hearing officer to decide, and he resolved the conflicts favorable to the claimant. In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We affirm the decision and order.

The true corporate name of the respondent insurance carrier is **AMERICAN MOTORISTS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

Susan M. Kelley  
Appeals Judge

CONCUR:

Gary L. Kilgore  
Appeals Judge

Roy L. Warren  
Appeals Judge